

108 U.S. PTO
07/22/03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

POCKET NUMBER	ANTICIPATED CLASSIFICATION OF THIS APPLICATION:		PRIOR APPLICATION	
	CLASS	SUBCLASS	EXAMINER	ART UNIT
600.311USD1	UNKNOWN	UNKNOWN	J. GRASER	1645

CERTIFICATE UNDER 37 CFR 1.10:

"Express Mail" mailing label number: EV 347834116 US
Date of Deposit: July 22, 2003

I hereby certify that this paper or fee is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

By:

Name: *Sheryl A. Boerboon*

21910 U.S. PTO
10/625221
07/22/03

DIVISIONAL APPLICATION UNDER 37 C.F.R. § 1.53(b)

MAIL STOP PATENT APPLICATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is a request for filing a divisional application under 37 CFR § 1.53(b) of Serial No. 08/973,391, filed on March 12, 1998, which is a continuation-in-part of application Serial No. 08/480,261, filed June 7, 1995, now abandoned, entitled MUTANTS OF STREPTOCOCCAL TOXIN A AND METHODS OF USE by the following inventor(s):

Full Name Of Inventor	Family Name SCHLIEVERT	First Given Name PATRICK	Second Given Name M.
Residence & Citizenship	City EDINA	State or Foreign Country MINNESOTA	Country of Citizenship USA
Post Office Address	Post Office Address 5305 BIRCHCREST DRIVE	City EDINA	State & Zip Code/Country MINNESOTA 55436
Full Name Of Inventor	Family Name ROGGIANI	First Given Name MANUELA	Second Given Name
Residence & Citizenship	City MINNEAPOLIS	State or Foreign Country MINNESOTA	Country of Citizenship USA
Post Office Address	Post Office Address 100 2ND STREET S.E. #803	City MINNEAPOLIS	State & Zip Code/Country MINNESOTA 55414/USA
Full Name Of Inventor	Family Name STOEHR	First Given Name JENNIFER	Second Given Name
Residence & Citizenship	City VADNAIS HEIGHTS	State or Foreign Country MINNESOTA	Country of Citizenship USA
Post Office Address	Post Office Address 3981 WOODRIDGE CIRCLE	City VADNAIS HEIGHTS	State & Zip Code/Country MINNESOTA 55127/USA
Full Name Of Inventor	Family Name OHLENDORF	First Given Name DOUGLAS	Second Given Name
Residence & Citizenship	City EDEN PRAIRIE	State or Foreign Country MINNESOTA	Country of Citizenship USA
Post Office Address	Post Office Address 9397 OLYMPIA DRIVE	City EDEN PRAIRIE	State & Zip Code/Country MINNESOTA 55347/USA

1. ☒ Enclosed is a copy of the prior application; including the specification, claims, drawings, a signed oath or declaration, and any amendments referred to in the oath or declaration filed to complete the prior application. (It is noted that no amendments referred to in the oath or declaration filed to complete the prior application introduced new matter therein.) The continuing application is as follows: 80 pages of specification, 39 claims, 1 page of abstract, 9 sheets of drawings, and 4 pages of oath or declaration.
- ☒ The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
2. ☒ Cancel original claims 2-39 of this application without prejudice. The filing fee is calculated after entry of the Preliminary Amendment. (At least one original independent claim must be retained for filing purposes.)
3. ☒ The filing fee is calculated below:

CLAIMS AS FILED

NUMBER FILED	NUMBER EXTRA		RATE	FEE
TOTAL CLAIMS: 21 -20	1	x	\$9.00	\$9.00
INDEPENDENT CLAIMS 5 -3	2	x	\$42.00	\$84.00
			BASIC FILING FEE:	\$375.00
			TOTAL FILING FEE:	\$468.00

- ☒ Small entity status is claimed pursuant to 37 CFR 1.27.

4. ☒ Payment of fees:
 - ☒ Attached is a check in the amount of \$468.00
 - ☐ Please charge Deposit Account No. 13-2725.
- 5. ☒ The Commissioner is hereby authorized to charge any additional fees as set forth in 37 CFR §§ 1.16 to 1.18 which may be required by this paper or credit any overpayment to Account No. 13-2725.
- 6. ☒ Amend the specification by inserting before the first line the sentence:

"This application is a divisional of application Serial No. 08/973,391, filed March 12, 1998, which is a continuation-in-part of application Serial No. 08/480,261, filed June 7, 1995, now abandoned, which applications are incorporated herein by reference."
7. ☐ A set of formal drawings (sheets) is enclosed.
8. ☐ Priority of application Serial No. , filed on in , is claimed under 35 U.S.C. 119.
- ☐ The certified copy has been filed in prior application Serial No. , filed .
9. ☒ The prior application is assigned of record to Regents of the University of Minnesota located at Morrill Hall, 100 Church Street, South East, Minneapolis, Minnesota 55455.

10. ☒ The Power of Attorney in the prior application is to:
- Merchant & Gould P.C.
Minneapolis, MN 55402-2215
11. ☒ A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)
- ☒ Fee for excess claims is attached.
12. ☐ A petition and fee has been filed to extend the term in the prior application until . A copy of the petition for extension of time in the prior application is attached.
13. ☐ The inventor(s) in this application are less than those named in the prior application and it is requested that the following inventors identified above for the prior application be deleted:
14. ☐ A Nonpublication Request under 37 CFR 1.213(a) is enclosed.
15. ☒ Also Enclosed: Copy of Assignment recorded August 21, 1996 under Reel/Frame 8096/0011; copy of Specification pages 3, 3a, 80a and 80b, copy of claim pages 81-84, Abstract page 85; courtesy copy of Notification of Transmittal of International Preliminary Examination Report mailed September 19, 1997
16. ☒ Address all future communications to the **Attention of Mark T. Skoog** (may only be completed by attorney or agent of record) at the address below.
17. ☒ A return postcard is enclosed.

Respectfully submitted,

MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, MN 55402-0903
612.332.5300



Date: July 22, 2003

Mark T. Skoog
Mark T. Skoog
Reg. No. 40,178
MSkoog:sab

TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371

600.311USWO

U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.5)

INTERNATIONAL APPLICATION NO.
PCT/US96/10252INTERNATIONAL FILING DATE
07 June 1996 (07.06.96)PRIORITY DATE CLAIMED
07 June 1995 (07.06.95)

TITLE OF INVENTION

MUTANTS OF STREPTOCOCCAL TOXIN A AND METHODS OF USE

APPLICANT(S) FOR DO/EO/US

SCHLIEVERT, Patrick M.; ROGGIANI, Maneula; STOEHR, Jennifer; and OHLENDORF, Douglas

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(I).
4. ☒ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☐ has been transmitted by the International Bureau.
 - c. ☒ is not required, as the application was filed in the United States Receiving Office (RO/US)
6. ☐ A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☐ have been transmitted by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☒ have not been made and will not be made.
8. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
10. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11. to 16. below concern document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A **FIRST** preliminary amendment.
☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
14. ☐ A substitute specification.
15. ☐ A change of power of attorney and/or address letter.
16. ☒ Other items or information:
Copy of Assignment recorded August 21, 1996 under Reel/Frame: 8096/0011
Copy of Specification Pages 3, 3a, 80a and 80b
Copy of Claim Pages 81-84
Abstract Page 85
Courtesy Copy of Notification of Transmittal of International Preliminary Examination Report mailed September 19, 1997

17. x The following fees are submitted:

CALCULATIONS PTO USE ONLY

BASIC NATIONAL FEE (37 CFR 1.492(a) (1)-(5)):

Search Report has been prepared by the EPO or JPO\$930.00

International preliminary examination fee paid to USPTO

(37 CFR 1.482).....\$720.00

No international preliminary examination fee paid to USPTO (37 CFR 1.482)

but international search fee paid to USPTO (37 CFR 1.445(a)(2)).....\$790.00

Neither international preliminary examination fee (37 CFR 1.482) nor

international search fee (37 CFR 1.445(a)(2)) paid to USPTO.....\$1070.00

International preliminary examination fee paid to USPTO (37 CFR 1.482)

and all claims satisfied provisions of PCT Article 33(2)-(4).....\$98.00

ENTER APPROPRIATE BASIC FEE AMOUNT = \$1070.00Surcharge of \$130.00 for furnishing the oath or declaration later than [] 20 [] 30
months from the earliest claimed priority date (37 CFR 1.492(e)).

\$

CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE
Total claims	23 -20 =	3	X \$22.00
Independent claims	2 -3 =	0	X \$78.00

\$ 66.00

\$

MULTIPLE DEPENDENT CLAIM(S) (if applicable)

+ \$250.00

\$

TOTAL OF ABOVE CALCULATIONS = \$1136.00Reduction by 1/2 for filing by small entity, if applicable. Verified Small Entity
Statement must also be filed (Note 37 CFR 1.9, 1.27, 1.28).

\$

SUBTOTAL = \$1136.00Processing fee of \$130.00 for furnishing the English translation later than [] 20 [] 30
months from the earliest claimed priority date (37 CFR 1.492(f)).

+ \$

TOTAL NATIONAL FEE = \$1136.00Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be
accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property

+ \$

TOTAL FEES ENCLOSED = \$1136.00

Amount to be:	
refunded	\$
charged	\$

a. X A check in the amount of \$1,136.00 to cover the above fees is enclosed.

b. [] Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees.
A duplicate copy of this sheet is enclosed.c. X The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any
overpayment to Deposit Account No. 13-2725. A duplicate copy of this sheet is enclosed.**NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR
1.137(a) or (b)) must be filed and granted to restore the application to pending status.**

SIGNATURE:

Steven C. Bruess

NAME

34,130

REGISTRATION NUMBER

SEND ALL CORRESPONDENCE TO:

Denise M. Kettelberger
MERCHANT, GOULD, SMITH, EDELL, WELTER & SCHMIDT, P.A.
3100 Northwest Center
90 South Seventh Street
Minneapolis, Minnesota 55402

FOR THE PURPOSES OF INFORMATION ONLY

Codes used to identify States party to the PCT on the front pages of pamphlets publishing international applications under the PCT.

AM	Armenia	GB	United Kingdom	MW	Malawi
AT	Austria	GE	Georgia	MX	Mexico
AU	Australia	GN	Guinea	NE	Niger
BB	Barbados	GR	Greece	NL	Netherlands
BE	Belgium	HU	Hungary	NO	Norway
BF	Burkina Faso	IE	Ireland	NZ	New Zealand
BG	Bulgaria	IT	Italy	PL	Poland
BJ	Benin	JP	Japan	PT	Portugal
BR	Brazil	KE	Kenya	RO	Romania
BY	Belarus	KG	Kyrgyzstan	RU	Russian Federation
CA	Canada	KP	Democratic People's Republic of Korea	SD	Sudan
CF	Central African Republic	KR	Republic of Korea	SE	Sweden
CG	Congo	KZ	Kazakhstan	SG	Singapore
CH	Switzerland	LI	Liechtenstein	SI	Slovenia
CI	Côte d'Ivoire	LK	Sri Lanka	SK	Slovakia
CM	Cameroon	LR	Liberia	SN	Senegal
CN	China	LT	Lithuania	SZ	Swaziland
CS	Czechoslovakia	LU	Luxembourg	TD	Chad
CZ	Czech Republic	LV	Latvia	TG	Togo
DE	Germany	MC	Monaco	TJ	Tajikistan
DK	Denmark	MD	Republic of Moldova	TT	Trinidad and Tobago
EE	Estonia	MG	Madagascar	UA	Ukraine
ES	Spain	ML	Mali	UG	Uganda
FI	Finland	MN	Mongolia	US	United States of America
FR	France	MR	Mauritania	UZ	Uzbekistan
GA	Gabon			VN	Viet Nam